

KAUAI PLANNING COMMISSION  
REGULAR MEETING

RECEIVED

Tuesday, June 27, 2017

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9:00 a.m. or Soon Thereafter  
Līhu'e Civic Center, Moikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Lihue, Kauai, Hawai'i

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. MINUTES of the meeting(s) of the Planning Commission
  - 1. Meeting of May 23, 2017.
- E. RECEIPT OF ITEMS FOR THE RECORD
- F. HEARINGS AND PUBLIC COMMENT (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

1. Continued Agency Hearing

CB

- a. Class IV Zoning Permit Z-IV-2017-6 and Variance Permit V-2017-2 to deviate from the minimum lot size requirement within the Agriculture (A) zoning district, pursuant to Section 8-8-3(b) of the Kauai County Code (1987) as amended, involving a parcel situated on the makai side of Kuhio Highway in Kilauea, approx. 600 ft. north of the Waiakalua Street/Kuhio Highway intersection and further identified as Tax Map Key (4) 5-1-005:132, and affecting a total area of 27,450 sq. ft. = *Brian Lansing & David Camp*. [Director's Report received 3/28/17, deferred 4/11/17.]

- 1. Supplemental No. 2 Director's Report pertaining to this matter.

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing
3. Continued Public Hearing
4. New Public Hearing
5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

G. CONSENT CALENDAR

1. Status Reports
2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 7/11/17 (NONE)

H. EXECUTIVE SESSION

1. Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with County's legal counsel on questions, issues, status and procedural matters pertaining to the Stipulated Decision and Order In the Matter of the Application of **MOHALA KE OLA MANAGEMENT** for Use Permit and Class IV Zoning Permit on property situated at Kapaa, Kauai, Hawaii, identified by Kauai TMK No. (4)4-2-009: 011 containing 18,739 square feet; CC-2015-13 and CC-2016-3. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to this agenda item.
2. Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with County's legal counsel on questions, issues, status and procedural matters pertaining to Stipulation for Dismissal with Prejudice of the Appeal of the Planning Director's Decision Related to the Notice of Violation and Order to Pay Fines for the continued operation of an unpermitted vacation rental for properties situated in Haena, Kaua'i, Hawai'i, identified by Kaua'i TMK No. (4) 5-8-011:059, Unit A, and containing a total area of 6,250.0 Square Feet in **TONI SUTHERLAND AND ALTA MANAGEMENT SERVICES, LLC. V. PLANNING DEPARTMENT OF THE COUNTY OF KAUAI**; CC-2016-8. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to this agenda item.

I. GENERAL BUSINESS MATTERS

- CB
1. Request to amend Class IV Zoning Permit Z-IV-2004-24, Use Permit U-2004-23, and Special Permit SP-2004-9 to allow for an additional commercial agricultural tour, Tax Map Key: 3-4-005: Por. 1 & 3-4-005: Por. 3, Puhi, Kauai = **Kauai Kilohana Partners**.
    - a. Director's Report pertaining to this matter.
- ML
2. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Notice of Violation and Order to Pay Fines for the operation of an illegal transient accommodation use, **Patricia D. McConnell**, Tax Map Key (4)58005005, to a Hearings Officer (Contested Case No. CC-2017-4); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal.

**J. COMMUNICATION (For Action)**

**K. COMMITTEE REPORTS**

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

**L. UNFINISHED BUSINESS (For Action)**

- MAD/JG**
1. Update of Application for ***Princeville Hanalei Plantation, LLC***, a Delaware limited liability company, re Shoreline Setback Application and Determination SSD-2017-33, for real property situated at Hanalei, Kauai, Hawaii, identified as Kauai Tax Map Key No. (4) 5-4-004:013. [Deferred 4/11/17, deferred 5/23/17.]
    - a. Letter (6/2/17) from Max W.J. Graham, Jr., on behalf of Princeville Hanalei Plantation, LLC, authorized Applicant in Shoreline Setback Application SSD-2017-33, withdrawing its Shoreline Setback Application dated December 29,
    - b. Planning Department's Motion to Dismiss the Appeal of the Director's Exemption Determination for Shoreline Setback Application SSD 2017-33, filed on December 29, 2106; Declaration of Counsel; Exhibit 1; Certificate of Service.
    - c. Appellant's Memorandum in Response to Planning Department's Motion to Dismiss the Appeal of the Director's Exemption Determination for Shoreline Setback Application SSD-2017-33, Filed on December 29, 2016, Filed on June 13, 2017; Certificate of Service.
- ML**
2. In the Matter of the Application of ***Mohala Ke Ola Management, LLC*** for a Use Permit and Class IV Zoning Permit on property situated at Kapaa, Kauai, Hawaii, identified by Kauai TMK No. (4)4-2-009: 011 containing 18,739 square feet; CC-2015-13 and CC-2016-3.
    - a. Stipulated Decision and Order; Exhibits "A" through "F".
- MAD**
3. Appeal of the Planning Director's Decision Related to the Notice of Violation and Order to Pay Fines by ***Toni Sutherland/Alta Management Services LLC*** for continued operation of an unpermitted vacation rental, TMK No. (4) 58011059 -0001, Haena, Kauai, to a Hearings Officer (Contested Case No. CC- 2016 -8).
    - a. Stipulation for Dismissal with Prejudice of the Appeal of the Planning Director's Decision Related to the Notice of Violation and Order to Pay Fines for the continued operation of an unpermitted vacation rental for properties situated in Haena, Kaua'i, Hawai'i, identified by Kaua'i TMK No. (4) 5-8-011:059, Unit A, and containing a total area of 6,250.0 Square Feet.

**M. NEW BUSINESS**

1. **For Action – See Agenda F for Project Descriptions**

**N. ANNOUNCEMENTS**

1. Topics for Future Meetings
2. The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawaii 96766 on **Tuesday, June 27, 2017.**

**O. ADJOURNMENT**

**EXECUTIVE SESSION:** The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

**NOTE:** Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.

KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING

Līhu'e Civic Center, Mo'ikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Līhu'e, Hawaii 96766

**Tuesday, June 27, 2017, 8:30 A.M.**

**AGENDA**

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Subdivision Committee**
  - 1. Meeting of May 9, 2017
  - 2. Meeting of May 23, 2017
- E. **RECEIPT OF ITEMS FOR THE RECORD (None)**
- F. **HEARINGS AND PUBLIC COMMENT**

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
- G. **GENERAL BUSINESS MATTERS (None)**
- H. **UNFINISHED BUSINESS (For Action)**
- I. **NEW BUSINESS (For Action)**

- 1. **Tentative Subdivision Map Approval**
  - a. Subdivision Application No. S-2017-7  
(Garrett Scales)  
Proposed 3-lot subdivision  
TMK: (4) 2-3-001:012  
Koloa, Kaua'i
  - 1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2017-8  
**(Neil & Desiree Fagarang)**  
Proposed 2-lot subdivision  
TMK: (4) 3-7-006:097  
Koloa, Kaua'i

- 1. Subdivision Report pertaining to this matter.

- c. Subdivision Application No. S-2017-12  
**(Jack Philips)**  
Proposed 3-lot subdivision  
TMK: (4) 2-3-007:001  
Kalaheo, Kaua'i

- 1. Subdivision Report pertaining to this matter.

- 2. Subdivision Extension Request

- a. Subdivision Application No. S-2016-19  
**(Grove Farm Company, LLC)**  
Proposed 2-lot Subdivision  
TMK: (4) 3-3-011:002 & 3-3-018:005  
Puhi, Kaua'i

- 1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2016-23  
**(Grove Farm Company, Inc)**  
Proposed 3-lot Subdivision  
TMK: (4) 3-3-011:005, 007 & 008  
Puhi, Kaua'i

- 1. Subdivision Report pertaining to this matter.

- c. Subdivision Application No. S-2011-19  
**(Halelea Investment LLC/ Patricia Wilcox Sheehan)**  
Proposed 4-lot Consolidation  
TMK: (4) 5-5-010:066, 068, 069, & 081  
Hanalei, Kaua'i

- 1. Subdivision Report pertaining to this matter.

## **J. ADJOURNMENT**

**NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite A473, Lihue, Hawaii 96766. Telephone: (808) 241-4050.**